

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DR. ALAN SACERDOTE, DR. HERBERT SAMUELS, MARK CRISPIN MILLER, MARIE E. MONACO, DR. SHULAMITH LALA STRAUSSNER, AND JAMES B. BROWN, individually and as representatives of a class of participants and beneficiaries on behalf of the NYU School of Medicine Retirement Plan for Members of the Faculty, Professional Research Staff and Administration and the New York University Retirement Plan for Members of the Faculty, Professional Research Staff and Administration,

USDC SDNY
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Plaintiffs,

-against-

17 Civ. 8834 (AT)

CAMMACK LARHETTE ADVISORS, LLC,

ORDER

Defendant.

ANALISA TORRES, District Judge:

On August 1, 2022, Defendant, Cammack LaRhette Advisors, LLC (“Cammack”), filed a motion for judgment on the pleadings and a request for judicial notice in this action. *Sacerdote II*, No. 17 Civ. 8834, ECF Nos. 247–48. The parties fully briefed the motion on September 6, 2022. *Sacerdote II*, No. 17 Civ. 8834, ECF Nos. 253–54.

On October 24, 2022, in the related case of *Sacerdote v. New York University*, No. 16 Civ. 6284 (“*Sacerdote I*”), the Honorable Valerie Figueredo granted Plaintiffs’ motion for leave to file a second amended complaint (the “October 24 Order”). *Sacerdote I*, No. 16 Civ. 6284, ECF No. 438. The October 24 Order allowed Plaintiffs

to amend their complaint to: (1) reallege the claim in Count III [of the first amended complaint] as against only [Margaret] Meagher and [Nancy] Sanchez; (2) add Meagher, Sanchez, and the Retirement Plan Committee as defendants in Count V; (3) reallege claims in Count V (based on two specific accounts) against Meagher and Sanchez only; and (4) reallege their claim in Count VII as against only [New York University].

Id. at 7.¹ On November 7, 2022, New York University filed a motion to vacate the October 24

¹ After the Second Circuit’s decision in *Sacerdote v. New York University*, No. 18-2707 (Aug. 16, 2021), *Sacerdote I*, No. 16 Civ. 6284, ECF Nos. 401–02, on June 13, 2022, Plaintiffs filed a motion for leave to amend their complaint a second time, *Sacerdote I*, No. 16 Civ. 6284, ECF No. 426.

Order (the “Motion to Vacate”). *Sacerdote I*, No. 16 Civ. 6284, ECF No. 441; *see also* *Sacerdote I*, No. 16 Civ. 6284, ECF No. 442.

Because these developments are not addressed in the parties’ motion for judgment on the pleadings briefing,² the Court has determined that, in the interest of judicial economy and avoiding potentially inconsistent rulings, it shall order supplemental briefing and hold in abeyance decision on Cammack’s motion for judgment on the pleadings and request for judicial notice. **Thirty days** after the Court’s decision on the Motion to Vacate in *Sacerdote I*, the parties shall file a joint letter of no more than ten pages addressing the impact of the Court’s decision on the Motion to Vacate in *Sacerdote I* on Cammack’s motion for judgment on the pleadings and request for judicial notice in *Sacerdote II*.

Accordingly, the Court’s decision on Cammack’s motion for judgment on the pleadings and request for judicial notice in this case is HELD IN ABEYANCE.

The Clerk of Court is directed to terminate the motions at ECF Nos. 247 and 248.

SO ORDERED.

Dated: February 3, 2023
New York, New York



ANALISA TORRES
United States District Judge

² For example, some of the parties’ arguments in the motion for judgment on the pleadings briefing are related to the viability of certain claims in *Sacerdote I*. *See, e.g.*, *Sacerdote II*, No. 17 Civ. 8834, ECF No. 252 at 12, 17–25; *Sacerdote II*, No. 17 Civ. 8834, ECF No. 253 at 10–16; *Sacerdote I*, No. 16 Civ. 6284, ECF No. 438 at 7.